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UNCLAS SECTION 01 OF 07 ZAGREB 000298

SIPDIS

SENSITIVE

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TAGS: [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#) [HR](#)
SUBJECT: ANNUAL ANTI-TRAFFICKING IN PERSONS (TIP) REPORT
FOR CROATIA

REF: STATE 03836

Sensitive but unclassified; please handle accordingly.

¶1. (SBU) Post is pleased to submit its Annual Anti-Trafficking in Persons Report. Last year, Croatia was ranked as a Tier 2 country and Post recommends retaining that ranking for this reporting period. The GOC is making a concerted effort to take a proactive stance against TIP. Towards that goal, it continued to improve its cooperation with NGOs to identify and assist victims of TIP, and increased its training activities for officials.

¶A. The country is primarily a transit country for women and girls trafficked to other parts of Europe for prostitution, as well as increasingly a source and destination country for trafficked women. Women from Romania, Bulgaria, Bosnia and Herzegovina, and other countries were trafficked through Bosnia and Herzegovina and Serbia and Montenegro to the country, where some remained to work as prostitutes while others were trafficked onward. Women from Albania, Bosnia and Herzegovina, Bulgaria, Hungary, Macedonia, Moldova, Romania, Slovenia, and Serbia and Montenegro were detained for illegal entry into the country; some of these were believed to be trafficking victims. Refugees, displaced persons, and young persons were most at risk of being trafficked. Anecdotal information indicated that international organized crime groups, local groups, and travel or marriage agencies were responsible for trafficking. Victims usually are traveling on legal documents, although some are falsified. Victims were subject to violence, intimidation, withholding of documents, and threats by traffickers. The majority of victims, both foreign and national, reported poor living and working conditions and suffered physical and/or sexual abuse in the process of trafficking. During the reporting period, the GOC identified five TIP victims. The victims' nationalities were Croatian (3), Bosnian (1), and Serbian and Montenegrin (1). Two of the victims were minors. Four victims were female and one was male. One victim (male) was trafficked for labor exploitation. In two cases Croatia was a country of destination and in three cases a country of origin. Immediately prior to the reporting period (late February 2005) two additional victims were identified: one minor female from Bulgaria, and one 18 year old female from Romania. In both cases Croatia was a destination and charges were filed during the reporting period. In general, government figures are considered

reliable, although non-governmental organizations believe the problem is larger than official figures indicate. Identification is difficult as victims are often willingly traveling through Croatia to their final destination.

¶B. Croatia borders on the European Union, and victims are typically en route to wealthier countries of the EU. There are no indications of route changes since the last report. Post notes that the GOC demonstrated strong political will to address the problem of trafficking. GOC activities covered all aspects of the problem, such as prevention, increased investigations and victim assistance. Traffickers are believed to be members of organized crimes groups. Victims targeted by the traffickers are mainly women and minors. Victims were offered lucrative jobs and in some cases, were approached by individuals known to them. Traffickers utilized false documents and threats to victim's families to move victims across national borders.

¶C. The GOC's Office for Human Rights asserts that there are adequate funds to implement anti-trafficking activities. However, corruption and organized crime remain present in Croatia.

¶D. The GOC systematically monitors anti-trafficking efforts through its Anti-Trafficking Coordinator - the Office of Human Rights. That office is responsible for coordinating all GOC activities and developing an annual operational plan. In addition, the GOC's National Committee for the Suppression of Trafficking consists of members from numerous ministries and meets periodically, as does a smaller working group including NGOs that meets regularly to discuss specific TIP cases and programs. TIP-related information is made available publicly through the Office for Human Rights website, domestic and regional

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seminars. The GOC also cooperates closely with the Southeast European Cooperation Initiative (SECI) and Interpol on investigations and prosecutions.

¶2. (SBU) PREVENTION

¶A. The GOC acknowledges that TIP is a problem. The GOC is cooperative and supportive of TIP activities and initiatives. Cooperation with international organizations and civil society is strong.

¶B. Government agencies involved in TIP activities are: The Office for Human Rights; National Committee for Suppression of Trafficking, the State Prosecutors Office; and the Ministries of Interior; Education, Science and Sport; Health and Social Welfare; Foreign Affairs and Justice. The Human Rights Office has the lead in anti-trafficking efforts.

¶C. In 2005, the GOC funded two public awareness campaigns. One included TV spots, print ads in tram and train stops, and billboards all advertising the GOC-sponsored help line. The second campaign was a TV spot featuring a famous Croatian celebrity on national television. Those two campaigns targeted the general public and children as the potential categories at risk. Certain police officers who received comprehensive TIP training in 2004 and 2005 (as described in last year's report) participated in the public awareness campaigns through roundtables, participation in local TV and radio programs and a school fair. On the occasion of Police Day in September, the Ministry of Interior kicked off a prevention program that included video spots and distribution of educational materials to the public. The Ministry also developed a flyer for potential trafficking victims. The flyer is being distributed at border crossings in four languages: Ukrainian, Macedonian, Romanian, and Croatian.

1D. The GOC continues to support different projects regarding the suppression of family violence, education of Roma children, gender issues, women's economic empowerment, suppression of drug abuse, etc. all of which have some additional effect on TIP issues.

1E. (This paragraph was omitted in the instructions)

1F. The GOC relationship with NGOs and international organizations is strong and has become more effective during the reporting period. Several GOC programs have been implemented in close cooperation with NGOs and international organizations such as IOM (International Organization for Migration) and a USAID implementing partner. The GOC's National Program for Minors and the 2006 Action Plan are results of collaboration of the GOC, civil society, and international organizations. Civil society members also actively participate as members of the National Committee for Suppression of TIP and the Operational Team, which meet regularly. In addition, the GOC has contracted with three NGOs (Rosa, Center for Women Vukovar and Organization for Integrity and Prosperity - OIP) to run its TIP help-line and to operate a TIP shelter. Mobile teams have been established to assist in victim identification and treatment.

1G. The GOC border police continue to adequately monitor Croatia's borders and immigration and emigration patterns for evidence of TIP. Border police are authorized to handle misdemeanor, and not felony, cases. In each case of smuggling and illegal migration (felonies), border police establish whether there is a potential case of TIP. If so, the case is then transferred to the Criminal Police Directorate; if the potential victim is young and female the case is automatically forwarded to that Directorate. Border police have a formal framework for regional cooperation. However, in practice, cooperation succeeds where there are good working level relationships. Cooperation is good with all neighboring countries: Bosnia, Italy, and to a lesser extent Serbia and Montenegro, and is best established with Slovenia. The Ministry of Interior has established instructions on the treatment of trafficked victims, which contain guidelines on victim identification methods, instruction on how to treat victims, and a summary of cooperation among police officers and with other

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organizations handling TIP issues. With the support of the EU CARDS 2003 project, the Ministry of Interior has published a handbook for Border Control, which contains a specific chapter on trafficking. Two thousand copies were printed and distributed to border police officers.

1H. The GOC established a National Committee for Suppression of Trafficking in 2002 and an Operational team in 2003 that provides for cooperation between various ministries, NGOs and other organizations dealing with TIP issues. The Deputy Prime Minister and Minister for Family, Veterans, and Intergenerational Solidarity serves as the chairperson of the National Committee and is responsible for directing its efforts. The GOC also has a National Coordinator, Head of the Government Office for Human Rights, who serves as the primary point of contact.

With regard to corruption issues, in December 2004, the GOC established an ad hoc working group to draft a new national strategy to fight corruption. The National Strategy for Combating Corruption has been forwarded to the GOC and is awaiting approval. While the Office for the Prevention of Corruption and Organized Crime (USKOK) continued to improve its capacity and authority to manage criminal investigations, the country's institutional ability to combat corruption remained unproven. The failure of USKOK to secure more than a few indictments demonstrated the immaturity of the judicial system to handle corruption investigations, stemming in part from the lack of a common

definition of what constitutes corruption.

¶J. The GOC has a National Plan for Trafficking in Persons, which covers years 2005-2008, and an Operational Plan for 2006. Civil society members and IOM participated in development of the plans in addition to the Ministries of Interior, Health and Social Welfare, and Justice. National and Operational Plans were produced in Croatian and English, and were widely distributed to the relevant GOC institutions, civil society members and representatives of the international community. Both plans are posted on the GOC's website. In 2005, the GOC also adopted the National Plan for Suppression of Trafficking in Children, which was developed with the assistance of civil society and IOM.

¶3. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS

¶A. No new legislation was enacted during the reporting period. The TIP provision in the penal code covers trafficking for sexual exploitation and non-sexual exploitation; penalties provide for imprisonment from one year to long-term imprisonment (maximum sentence under Croatian law). The law covers both internal and external forms of trafficking. However, there are also other provisions that provide penalties for related criminal acts such as international prostitution, illegal transfer of persons across the state border, and pimping. These provisions were used in prosecution of TIP cases prior to the new specific TIP provision, which was enacted in October, 2004. There are no civil penalties for trafficking. During the reporting period, the GOC drafted legislation that would allow prosecution of individuals who knowingly use the services of trafficking victims. The bill is currently in the Parliament awaiting adoption. The Croatian penal code contains adequate provisions for the prosecution of traffickers and perpetrators of similar criminal acts.

¶B. Penalties for traffickers of people for sexual exploitation and for labor exploitation provide imprisonment from one to ten years. However, if the crime was committed against a minor, the minimum sentence is five years. If the crime was committed within a criminal group, or against large number of persons, or caused the death of one or more persons, penalties provide for a minimum of five years to long-term imprisonment.

¶C. The provision on rape in the Croatian penal code provides penalties from one to ten years. However, if the crime was committed against a minor victim, the minimum penalty is three or five years, depending upon circumstances. Penalties, therefore, are similar to TIP penalties.

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¶D. International Prostitution and Pandering are crimes according to the Croatian Penal Code and therefore activities of brothels owner/operator and pimps are criminalized. Laws against pimping are enforced. Foreign prostitutes may be prosecuted for misdemeanor offences and may be deported if they do not fulfill temporary resident requirements.

¶E. The Ministry of Interior reported that they completed seven criminal proceedings, which resulted in seven criminal charges against ten known and several unknown perpetrators. Of the ten, nine were Croatian citizens and one was Bosnian. The GOC reported that one investigation resulted in the indictment of two defendants. Five criminal charges were submitted based on the new TIP provision and two based on the previous provision (slavery), because at the time the crimes were committed the new TIP provision had not been adopted. In addition, police followed and investigated 44 leads

received from the GOC's helpline (through which over 8.000 calls were received) which resulted in the following criminal charges: Pimping (3), Fraud (2), and International Prostitution (1). One TIP victim was identified and the trafficking of another woman was prevented through these investigations. The police actively investigate all information received from the helpline.

¶F. According to the GOC, large international and domestic organized crime groups are behind trafficking. The GOC does not have information or evidence as to where the proceeds of crime are being channeled. Anecdotal sources noted that the proceeds of crime have been invested into legal businesses and are therefore difficult to uncover.

¶G. Police and the State Prosecutors actively investigate cases of trafficking. (see E. of this section) If inquiries into offences cannot be carried out, the investigating judge may, upon the request of the State Attorney, use surveillance techniques such as: surveillance and interception of telephone conversations or means of remote technical communication; entry on the premises for the purpose of conducting surveillance and technical recording of the premises; covert following and technical recording of individuals and objects; use of undercover investigators and informants; simulated purchase of certain objects, simulated bribe-giving and simulated bribe-taking; controlled transport and delivery of objects from offences. Such measures may also be ordered against persons suspected of collaborating with perpetrators. Information acquired using undercover operations and electronic surveillance can be used as the evidence in the criminal proceedings.

¶H. The Ministry of Interior, in cooperation with IOM and the EU CARDS project, completed its 18-month multi-modular TIP training - described extensively in last year's report. Twenty-six police officers completed the specialized training. The final two sessions focused on harmonization of Croatian legislation and specialized TIP education. Ministry representatives participated in numerous regional trainings and workshops related to TIP, most related to detection and identification of traffickers and TIP victims. In addition, the Ministry provided TIP education through the Police Academy for various police officers: 13 course hours for traffic police, 18 course hours for juvenile prevention officers, 6 course hours for border police, and 18 course hours for criminal investigators. The Ministry of Justice and the Judicial Academy held two workshops during the reporting period. With a total of 38 participants, the trainings encompassed prosecution of TIP crimes and the role of the judiciary in prosecuting TIP crimes. USAID organized cross border cooperation programs, in cooperation with the GOC and Bosnian authorities. Representatives of the police, NGOs and representatives from Bosnian government and civil society participated. In addition, in partnership with the international community, the GOC participated in training for health workers, police, prosecutors, and civil society. The GOC provided training for 250 border police on identification techniques, and training on techniques for interviewing foreigners for 20 officers. Similar training for another 50 higher-level officers is planned for spring ¶2006.

¶I. The Ministry of Interior has close cooperation with

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Interpol and SECI. In September the Ministry participated in a SECI regional working meeting to combat trafficking in persons. In January the GOC signed an Agreement on Cooperation with EUROPOL. In October, the GOC participated in a series of seminars through a regional EU CARDS project. The project's goal was to unify regional practices and enhance cooperation in the region. With assistance and cooperation from Croatian police officers, the Serbian Government uncovered two criminal groups.

International cooperation resulted in the discovery of and assistance to six TIP victims in Croatia. Specifically, the GOC cooperated with its counterparts in Bulgaria to identify, assist, and repatriate the minor victim identified in February 2005. The GOC cooperated with its Romanian counterparts to identify and arrest perpetrators of trafficking a Romanian victim. The GOC cooperated with its Serbian counterparts to charge perpetrators and repatriate a Croatian TIP victim. The GOC worked with its German counterparts to identify and charge a Croatian perpetrator suspected of trafficking a Croatian victim for labor exploitation. The GOC cooperated with Bosnian authorities to identify Bosnian and Croatian perpetrators of trafficking a minor victim. Finally, the GOC cooperated with Serbian and Bosnian authorities to identify a previously-known perpetrator who was detained for a separate crime. Croatia has signed 28 bilateral agreements on the Suppression of Organized Crime, which include trafficking. These agreements provide for direct police cooperation. Internally, the GOC formed in June 2005 a working group in Integrational Border Management which ensures inter-ministerial cooperation on illegal border crossing. (note: the GOC's State Inspectorate has the authority for investigating foreign illegal workers. End note.)

1J. According to the GOC, Croatia did not have any requests for extradition of foreign traffickers. The Croatian Constitution prohibits extradition of its nationals.

1K. There is no evidence of Government involvement or tolerance of trafficking. However, one police officer was dismissed for leaking information in one TIP case.

1L. Not applicable.

1M. The GOC did not identify child sex tourism as a problem. No foreign pedophiles were prosecuted. Croatia's child sexual abuse laws do not have extraterritorial coverage.

1N. The GOC has signed and ratified the following documents:

ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor. (Ratified 17.07 2001.)

ILO Convention 29 and 105 on forced or compulsory labor. (ILO Convention 29 was taken over from former Yugoslavia 08.10.1991 and 105 was ratified 05.03.1997)

The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. (ratified 21.03.2002)

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime (signed on 13.12.2000 and ratified on 07.11.2002)

14. (SBU) PROTECTION AND ASSISTANCE

1A. In July 2003, the National Committee for the Suppression of Trafficking in Persons adopted the Protocol on Treatment in Specific Cases of Trafficking in Persons, which provides for two stages in the treatment of each victim. The Ministry of Interior and the Ministry of Health and Social Welfare apply instructions on the treatment of trafficking victims, which contain guidelines on victim identification and methods, instructions on how to treat trafficked victims and a description of cooperation with other agencies involved in dealing with TIP problem. Victims are informed of their rights and how

to exercise them. In cases where victims are minors, the Juvenile Courts Act stipulates forms of protection during the criminal proceedings before the courts, (i.e. from secondary victimization). The Law on Foreigners was amended in 2004 and the Instruction on the Procedure for Regulation of the Residence for TIP victims provides for a temporary residence permit for TIP victims for one year with the possibility of extending that to a second year. In 2005, two residence permits were issued to TIP victims. Victims of trafficking are provided with legal, medical and psychological services. Croatia assisted four new TIP victims in shelters last year. In May, the GOC signed the Council of Europe Convention on Action against TIP, emphasizing enhancement of mechanisms to protect victims.

¶B. The GOC funds NGOs operating the SOS helpline and provides funding for a shelter for victims of trafficking. The GOC also provides financial support to several NGOs involved in anti-TIP activities, and provides assistance to trafficking victims, including educational and vocational training.

¶C. Croatia has a national referral system, employing "mobile teams", through which victims are identified and referred for assistance. The GOC has designed protocols for the identification and treatment of trafficking victims such as: Protocol on Detention and Care for Victims of Trafficking in Persons, Instructions for Interviewing Illegal Migrants and Other Persons Who are Suspected Victims of Trafficking and Rules and Procedures in the Shelter. Special procedure are used for minor victims of trafficking. Border police and other police officers are instructed in all protocols.

¶D. The government did not deport or punish victims of trafficking. While the law criminalizes international prostitution and unauthorized (illegal) border crossings, it exempts trafficking victims from prosecution. Similarly, the law allows authorities to charge foreign prostitutes with a misdemeanor and initiate deportation proceedings if they do not fulfill legal requirements for their stay in Croatia, but exempts trafficking victims from deportation.

¶E. The GOC neither encourages nor discourages victims to cooperate in TIP cases. Victim assistance is not conditional upon the victim's cooperation with the prosecution. TIP victims are entitled to file both civil and criminal lawsuits. In addition, victims have the right to press charges themselves and may continue to prosecute a case that has been dropped by the State Prosecutor.

¶F. The GOC, in cooperation with civil society and IOM, provided assistance to the victims of trafficking: medical, legal, accommodation, psychological and re-employment counseling, etc. Although Croatia has a witness protection law, in practice during the reporting period the GOC did not apply this law for TIP cases. The GOC reported that one minor victim was placed in a juvenile justice center.

¶G. Specialized police training is described in the Investigation and Prosecution section. During the reporting period the Ministry of Interior, in cooperation with IOM, completed multi-modular seminars for the police, state prosecutors, NGOs, and investigative judges. Begun in 2004, the program reached 1,600 police officers. The police academy continued to teach anti-trafficking within different subjects as a regular part of its curriculum. Training on identification of victims was added to the professional diplomatic courses at the Ministry of Foreign Affairs' Diplomatic Academy. In October, the GOC organized and hosted a regional conference on preventing TIP in the region. The conference drew 140 participants from around the region and examined the UN Convention Against Transnational Organized Crime, development of a juvenile protocol, and strengthening regional cooperation. In December, the GOC organized a series of seminars to educate

16 journalists on TIP issues, with a special emphasis on the protection of victim identity. USAID, in cooperation with the GOC, organized training for 20 doctors and nurses in identifying and assisting TIP victims. Social workers from the Ministry of Health and Social Welfare also participated in two three-day protection seminars organized by USAID.

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¶H. Repatriated nationals are entitled to state health care, and Croatian citizens generally are repatriated to their families. According to the GOC, Croatian citizens who have been identified as TIP victims have been offered all forms of assistance.

¶I. One NGO (Organization for Integrity and Prosperity, or OIP) runs a shelter for victims funded by the GOC and IOM. Three NGOs run the SOS helpline (OIP, Rosa, Women Association Vukovar), and two NGOs (Korak and Rosa) provide for the victims assistance offering alternative accommodation. The Croatian Red Cross operates temporary reception centers for TIP victims. The IOM Mission in Croatia was engaged in training for police officers, prosecutors, and NGOs, and supported various NGOs that provide direct assistance to TIP victims. NGOs and IOM reported that cooperation with local authorities was excellent.

¶5. (U) Embassy point of contact is Political Officer Kirsten Selinger. Phone: 385-1-661-2250, fax: 385-1-661-¶2147. In preparing the report, the 03-ranked officer spent approximately 20 hours and a local assistant spent approximately 15 hours.
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